

Senate Study Bill 1251

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S
OFFICE OF DRUG CONTROL
POLICY BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the sale of a pseudoephedrine product by a
2 pharmacy or retailer, and providing penalties and contingent
3 applicability.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1286DP 82
6 jm/gg/14

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1 1 Section 1. Section 124.212, subsection 4, paragraph c,
1 2 Code 2007, is amended to read as follows:
1 3 c. Pseudoephedrine. A person shall present a
1 4 ~~government-issued driver's license or other state-issued photo~~
1 5 ~~identification card when purchasing a pseudoephedrine product~~
1 6 ~~from a pharmacy. A person shall not purchase more than seven~~
1 7 ~~thousand five hundred milligrams of pseudoephedrine, either~~
1 8 ~~separately or collectively, within a thirty-day period a~~
1 9 ~~quantity of pseudoephedrine in violation of section 124.213~~
1 10 ~~from a pharmacy, unless the person has a prescription for a~~
1 11 ~~pseudoephedrine product in excess of that quantity. A~~
1 12 ~~pseudoephedrine product not excepted from this schedule shall~~
1 13 ~~be sold by a pharmacy as provided in section 124.212A.~~
1 14 Sec. 2. NEW SECTION. 124.212A PHARMACY PSEUDOEPHEDRINE
1 15 SALE == RESTRICTIONS == RECORDS == CONTINGENT APPLICABILITY.
1 16 1. A pharmacy, an employee of a pharmacy, or a licensed
1 17 pharmacist shall do the following:
1 18 a. Provide for the sale of a pseudoephedrine product in a
1 19 locked cabinet or behind the sales counter where the public is
1 20 unable to reach the product and where the public is not
1 21 permitted.
1 22 b. Require the purchaser to present a driver's license or
1 23 other state-issued photo identification card identifying the
1 24 purchaser prior to purchasing a pseudoephedrine product.
1 25 c. Provide an electronic logbook for purchasers of
1 26 pseudoephedrine products to sign.
1 27 d. Require the purchaser to sign the electronic logbook.
1 28 If the electronic logbook is not available, require a
1 29 signature that is associated with a transaction number.
1 30 e. Enter the purchaser's name, address, date of purchase,
1 31 time of purchase, name of the pseudoephedrine product
1 32 purchased, and the quantity sold in the electronic logbook.
1 33 If the electronic logbook is unavailable, an alternative
1 34 record shall be kept that complies with rules adopted by the
1 35 board.
2 1 f. Determine that the signature in the electronic logbook
2 2 corresponds with the name on the driver's license or other
2 3 state-issued photo identification card.
2 4 g. Provide notice that a purchaser entering a false
2 5 statement or misrepresentation in the electronic logbook may
2 6 subject the purchaser to criminal penalties under 18 U.S.C. }
2 7 1001.
2 8 h. Keep electronic logbook records and any other records
2 9 obtained if the electronic logbook is unavailable for
2 10 twenty-four months from the date of the last entry.
2 11 i. Disclose electronic logbook information and any other
2 12 associated records as provided by state and federal law.
2 13 j. Comply with training requirements pursuant to federal
2 14 law.
2 15 2. This section is not applicable until such time as the
2 16 board establishes the statewide real-time central repository.
2 17 However, subsection 1, paragraph "h" is applicable upon the

2 18 effective date of this Act.
2 19 Sec. 3. NEW SECTION. 124.212B PSEUDOEPHEDRINE SALES ==
2 20 TRACKING == PENALTY == CONTINGENT APPLICABILITY.
2 21 1. The board shall establish a real-time electronic
2 22 repository to monitor the sale of schedule V products
2 23 containing any detectible amount of pseudoephedrine, its
2 24 salts, or optical isomers, or salts of optical isomers;
2 25 ephedrine; or phenylpropanolamine. A pharmacy dispensing such
2 26 products shall report all such sales electronically to a
2 27 central repository under the control of the board.
2 28 2. The information collected in the central repository is
2 29 confidential unless otherwise ordered by a court, or released
2 30 by the lawful custodian of the records pursuant to this
2 31 section.
2 32 3. The information collected in the central repository
2 33 shall be disclosed at the discretion of the executive
2 34 secretary or director of the board or as otherwise provided by
2 35 state or federal law.
3 1 4. A pharmacy, an employee of a pharmacy, or a licensed
3 2 pharmacist shall not be provided access to the stored
3 3 information in the electronic central repository and shall not
3 4 be given the obligation or duty to view the stored
3 5 information.
3 6 5. A pharmacy, or an employee of a pharmacy, or a licensed
3 7 pharmacist shall not be given the obligation or duty to seek
3 8 information from the central repository if the real-time
3 9 electronic logbook becomes unavailable for use.
3 10 6. A pharmacy, or an employee of a pharmacy, or a licensed
3 11 pharmacist shall not be liable to any person for any claim
3 12 which may arise when reporting sales of products enumerated in
3 13 subsection 1 to the central repository.
3 14 7. A person who discloses information stored in the
3 15 central repository in violation of this section commits a
3 16 simple misdemeanor.
3 17 8. The board shall adopt rules to administer this section.
3 18 9. This section is not applicable until such time as the
3 19 board establishes the statewide real-time central repository.
3 20 Sec. 4. Section 124.213, Code 2007, is amended by striking
3 21 the section and inserting in lieu thereof the following:
3 22 124.213 PSEUDOEPHEDRINE PURCHASE RESTRICTIONS FROM
3 23 PHARMACY OR RETAILER == PENALTY.
3 24 1. A person shall not purchase more than three thousand
3 25 six hundred milligrams of pseudoephedrine, either separately
3 26 or collectively, within a twenty-four-hour period from a
3 27 pharmacy, or more than one package of a product containing
3 28 pseudoephedrine within a twenty-four hour period from a
3 29 retailer in violation of section 126.23A.
3 30 2. A person shall not purchase more than seven thousand
3 31 five hundred milligrams of pseudoephedrine, either separately
3 32 or collectively, within a thirty-day period from a pharmacy or
3 33 from a retailer in violation of section 126.23A.
3 34 3. A person who violates this section commits a serious
3 35 misdemeanor.
4 1 Sec. 5. Section 126.23A, subsection 1, paragraph a,
4 2 subparagraph (1), Code 2007, is amended by striking the
4 3 subparagraph and inserting in lieu thereof the following:
4 4 (1) Sell more than seven thousand five hundred milligrams
4 5 of pseudoephedrine to the same person within a thirty-day
4 6 period.
4 7 Sec. 6. Section 126.23A, subsection 1, paragraph b, Code
4 8 2007, is amended to read as follows:
4 9 b. A retailer or an employee of a retailer shall do the
4 10 following:
4 11 (1) Provide for the sale of a pseudoephedrine product in a
4 12 locked cabinet or behind a sales counter where the public is
4 13 unable to reach the product and where the public is not
4 14 permitted.
4 15 (2) Require a purchaser to present a ~~government-issued~~
4 16 ~~photo driver's license or other state-issued photo~~
4 17 identification card identifying the purchaser prior to
4 18 purchasing a pseudoephedrine product.
4 19 (3) Require the purchaser to sign a logbook and to also
4 20 require the purchaser to legibly print the purchaser's name
4 21 and address in the logbook.
4 22 (4) Print the name of the pseudoephedrine product
4 23 purchased and quantity sold next to the name of each purchaser
4 24 in the logbook.
4 25 ~~(4) (5)~~ Determine the signature in the logbook
4 26 corresponds with the name on the ~~government-issued photo~~
4 27 ~~driver's license or other state-issued photo~~ identification
4 28 card.

4 29 ~~(5)~~ (6) Keep the logbook ~~twelve~~ twenty=four months from
4 30 the date of the last entry.
4 31 ~~(6)~~ (7) Provide notification in a clear and conspicuous
4 32 manner in a location where a pseudoephedrine product is
4 33 offered for sale stating the following:
4 34 Iowa law prohibits the over=the=counter purchase of more
4 35 than one package of a product containing pseudoephedrine in a
5 1 twenty=four=hour period or of more than seven thousand five
5 2 hundred milligrams of pseudoephedrine within a thirty=day
5 3 period. If you purchase a product containing pseudoephedrine,
5 4 you are required to sign a logbook which may be accessible to
5 5 law enforcement officers.
5 6 (8) Provide notification affixed to the logbook stating
5 7 that a purchaser entering a false statement or
5 8 misrepresentation in the logbook may subject the purchaser to
5 9 criminal penalties under 18 U.S.C. } 1001.
5 10 (9) Disclose logbook information as provided by state and
5 11 federal law.
5 12 (10) Comply with training requirements pursuant to federal
5 13 law.

5 14 Sec. 7. CONTINGENT APPLICABILITY == PHARMACY BOARD AND
5 15 CODE EDITOR RESPONSIBILITIES.
5 16 1. The board of pharmacy examiners shall notify the Code
5 17 editor when the establishment of the repository on a statewide
5 18 basis is complete.
5 19 2. When the establishment of the central repository on a
5 20 statewide basis is complete, the Code editor is directed to
5 21 remove section 124.212A, subsection 2, and section 124.212B,
5 22 subsection 9, from the Code and to internally renumber the
5 23 sections as necessary.

EXPLANATION

5 25 This bill relates to the sale of a pseudoephedrine product
5 26 by pharmacy or retailer.
5 27 PENALTIES. The bill provides that a person shall not
5 28 purchase more than 3,600 milligrams of pseudoephedrine, either
5 29 collectively or separately, within a 24=hour period from a
5 30 pharmacy unless the person has a prescription. A person who
5 31 violates this provision of the bill commits a serious
5 32 misdemeanor. Under current law and the bill, a person commits
5 33 a serious misdemeanor if the person purchases more than 7,500
5 34 milligrams of pseudoephedrine within a 30=day period from a
5 35 pharmacy or retailer.

6 1 PHARMACY. The bill requires a purchaser of a
6 2 pseudoephedrine product from a pharmacy to present a driver's
6 3 license or other state=issued photo identification card prior
6 4 to purchase, and sign an electronic logbook. Current law does
6 5 not require an electronic logbook and requires a purchaser to
6 6 present a government=issued photo identification card prior to
6 7 purchase. The bill also provides that if the electronic
6 8 logbook is unavailable, the pharmacy is required to keep an
6 9 alternative record that complies with rules adopted by the
6 10 state board of pharmacy examiners.

6 11 The bill requires a pharmacy, an employee of a pharmacy, or
6 12 a licensed pharmacist, to enter a purchaser's name, address,
6 13 date of purchase, time of purchase, name of pseudoephedrine
6 14 product, and quantity sold into an electronic logbook.

6 15 The bill requires a pharmacy to keep electronic logbook
6 16 records for a period of 24 months from the date of the last
6 17 entry. Current law requires the pharmacy to keep the logbook
6 18 12 months from the date of the last entry.

6 19 The bill provides that the state board of pharmacy
6 20 examiners shall implement a statewide real=time central
6 21 repository to track pseudoephedrine product sales at
6 22 pharmacies. The bill requires a pharmacy dispensing
6 23 pseudoephedrine products to report all such sales
6 24 electronically to the central repository under the control of
6 25 the state board of pharmacy examiners.

6 26 The bill makes confidential the information collected in
6 27 the central repository unless otherwise ordered by a court, or
6 28 lawfully released at the discretion of the executive secretary
6 29 or director of the state board of pharmacy examiners.

6 30 The bill provides that a pharmacy, an employee of a
6 31 pharmacy, or a licensed pharmacist shall not be liable to any
6 32 person for any claim which may arise when reporting
6 33 pseudoephedrine sales to the central repository.

6 34 The bill also requires a pharmacy to comply with training
6 35 requirements pursuant to federal law.

7 1 A person who discloses information stored in the central
7 2 repository in violation of the bill commits a simple
7 3 misdemeanor.

7 4 RETAILER. The bill requires a purchaser of a

7 5 pseudoephedrine product from a retailer to present a driver's
7 6 license or other state-issued photo identification card prior
7 7 to purchase. Current law requires a purchaser to present a
7 8 government-issued photo identification card prior to purchase.
7 9 The bill requires a retailer or an employee of a retailer
7 10 to print the name of the pseudoephedrine product purchased and
7 11 the quantity sold next to the name of each purchaser in the
7 12 logbook.
7 13 The bill requires the retailer to keep the logbook 24
7 14 months from the date of the last entry. Current law requires
7 15 the retailer to keep the logbook 12 months from the date of
7 16 the last entry. The bill does not require a retailer to keep
7 17 an electronic logbook of pseudoephedrine purchases.
7 18 The bill also requires a retailer to comply with training
7 19 requirements pursuant to federal law.
7 20 CONTINGENT APPLICABILITY. New Code sections 124.212A and
7 21 124.212B created in the bill do not become applicable until
7 22 the central repository under the control of the state board of
7 23 pharmacy examiners is established on a statewide basis.
7 24 However, Code section 124.212A, subsection 1, paragraph "h",
7 25 in the bill, which requires a pharmacy to keep logbook records
7 26 24 months from the date of the last entry, is applicable upon
7 27 the effective date of the bill.
7 28 LSB 1286DP 82
7 29 jm:rj/gg/14.1